

Current Bill Status

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HB1001
ATOD/TS **State Budget**
B Bauer, W Cochran
Ways and Means

Appropriates state money for the biennium beginning July 1, 2001 and ending June 30, 2002. Includes provisions regarding use of the tobacco settlement funds. *Amendments made in committee and passed out, 24-1. Amended at 2nd reading and passed 3rd reading, 81-18. Senate sponsors: Sens. R Meeks and V Simpson. I have read half way through this bill and found that provisions from HB1842 and other bills have been added to HB1001. Several of these relate to the tobacco settlement account.*

HB1007
TS **Speed Limits.**
B Hasler, V Becker, T Goodin
Roads and Transportation

Speed limits. Makes it a Class B infraction (subject to a maximum civil judgment of \$1,000) instead of a Class C infraction (subject to a maximum civil judgment of \$500) for a person to violate a speed limit that is imposed in the immediate vicinity of a work site when workers are present. Provides that with the approval of the department of transportation, a person may drive a vehicle a maximum of sixty miles per hour on a highway, and a maximum of seventy miles per hour on a highway on the national system of interstate and defense highways, with certain exceptions. *Introduced this legislation proposed increased fines for speeding through work sites; however, a 2nd reading Rep Wolkins offered an amendment which allows the speed limits to be increased "with the approval of the department of transportation." The amended bill passed the House, 93-2. Senate sponsor is Sen. S Landske.*

HB1201
ATOD **Drug testing in the workplace.**
D Young, R Liggett
Labor and Employment

Drug testing in the workplace. Prohibits a covered entity from using drug testing results to refuse to hire a job applicant or to take employee disciplinary action, if the only drugs detected are drugs taken under the supervision of, and in the manner prescribed by, a licensed health care professional, unless the drugs detected preclude the job applicant or employee from performing the job. Provides that the job applicant or employee will provide, upon request, proof that the drugs detected were taken under the supervision of and in the manner prescribed by a licensed health care professional. *Hearing scheduled in committee on February 13th. Rep Liggett added as a co-author. Amended to put the burden of proof on job applicant or employee that drugs detected in a test were prescribed by a licensed health professional. Bill passed out of committee. Amended at 2nd reading to add the caveat, "unless the drugs detected preclude the job applicant or employee from performing the job".*

HB1374
TS **Interstate speed limit.**
M Whetstone, D Crooks
Roads and Transportation

Increases the speed limit from 65 miles per hour to 70 miles per hour on interstate highways outside urbanized areas with a population of at least 50,000. *See HB1007.*

HB1381
ATOD **Mental health insurance coverage.**
S Crosby, G Goeglein
Insurance, Corporations and Small Business

Includes services for substance abuse within the definition of "coverage of services for mental illness," for purposes of the law prohibiting the application of treatment limitations or financial requirements to coverage of services for mental illness if similar limitations or requirements do not apply to the coverage of services for other medical or surgical conditions (The introduced version of this bill was prepared by the Indiana Commission on Mental Health). *Commission recommendation. Bill amended in committee to apply only to state employee insurance coverage and passed out, 10-3. Referred to Ways & Means Committee. Rep Goeglein added as co-author. Passed out of Ways & Means, 22-0, February 20th. Passed 3rd Reading 90-3. Senate sponsors: Sens. S Johnson, M Blade, C Lawson, and E Rogers.*

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HB1455 **Sale of alcoholic beverages on Sunday**
ATOD **R Kuzman, W Burton, W Ruppel**
 Public Policy, Ethics, and Veterans Affairs

~~Allows alcoholic beverages to be sold by alcoholic beverage permittees on Sundays from noon until 12:30 a.m. the following day. This bill was stripped and new language amended into it in committee. The amended version was passed out 11-1. The chair and author promised that mandatory training for 19 and 20 year old servers would be amended into it at 2nd reading. The newly amended bill includes the following provisions:~~

Allows a person at least 19 years of age but less than 21 years of age to serve alcoholic beverages in a dining area or family room of a restaurant or hotel in the course of the person's employment as a waiter, waitress, or server while under the supervision of a person who is at least 21 years of age and who is present at the restaurant or hotel. Adds a holder of a beer wholesaler's permit to those persons required to pay the excise tax on hard cider. Allows a premises to be located within 200 feet of a church if the commission determines that the church does not object. Provides that if the commission determines the church does not object, the commission's determination applies to any renewal of the permit for the premises. Requires the alcoholic beverage commission to report to the legislative council a recommendation to improve the quota allocations of alcoholic beverage permits.

HB1525 **Riverboat admissions tax.**
ATOD **B. Patrick Bauer**
GAME **Ways and Means**

~~Increases the riverboat admissions tax from \$3 to \$4. Establishes the social service assistance fund. Requires the \$1 increase in the admissions tax to be deposited into the social service assistance fund. Requires money in the fund to be allocated in equal shares: (1) to the housing trust fund; (2) for homeless centers; (3) for mental health centers; (4) for addiction services. Provides that public and private entities providing these social services may apply to the budget agency for grants from the fund. This bill was stripped and new language unrelated to this topic was inserted. The bill then was passed out of committee.~~

HB1578 **State tax administration and motor vehicles.**
TS **W. Cochran, J Denbo**
 Ways and Means

Contains several provisions including that a driver who commits certain serious traffic violations related to railroad crossings while operating a commercial motor vehicle is disqualified from driving such a vehicle for specified periods. *Amendments made in committee and passed 22-1. Amended at 2nd reading and passed.*

HB1638 **Alcoholic beverage commission.**
ATOD **Robert Kuzman**
 Public Policy, Ethics and Veterans Affairs

Alcoholic beverage commission. Changes the name of the alcoholic beverage commission to the alcohol and tobacco commission. Provides for resolving a tie vote of the commission. Establishes experience requirements for the superintendent of law enforcement officers. Defines "grocery store" for purposes of the alcoholic beverage law. Allows a permittee to give notice of an application by placing a sign on the affected property in some circumstances. Allows the commission to accept payment by credit card, money order, or electronic transfer. Allows an Internet company to obtain a salesman's permit. Prohibits the issuance of an employee's permit to certain persons convicted of operating while intoxicated. Allows express hotels to sell alcoholic beverages. Allows hotels to set different prices for alcoholic beverages served in different restaurants in the same hotel complex. Revises the fee schedule for permits. Allows wine dealers to make home deliveries of wine. Increases criminal penalties. Imposes interest, a late payment penalty, and the reasonable costs of collection on a person who fails to make a timely payment of an infraction payable to the youth tobacco education and enforcement fund. Makes it a Class C infraction for a person to purchase tobacco for a minor. Allows certain tobacco notices to have alternative language approved by the commission. Allows a primary source to sell and ship a limited amount of wine from the location described in

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the primary source's basic permit from the federal Bureau of Alcohol, Tobacco and Firearms to an adult resident of Indiana if certain conditions are met. Allows the department of parks and recreation in Portage to permit the retail sale of alcoholic beverages in the city's park and recreation facilities if the department first secures the necessary permits required under IC 7.1. Amends the definition of "distribute" for purposes of the youth tobacco laws. Allows the Indiana alcoholic beverage commission to provide alternative words for notices that are required to be posted on vending machines that sell tobacco. Makes changes regarding the advertisement of tobacco products on signs or billboards. Allows a facility that operates a paved track that is used primarily in the sport of auto racing to allow a person to enter its establishment with alcoholic beverages. Provides that grocery stores and drug stores in Hendricks and Monroe counties may be located within 200 feet from a church or school under certain circumstances (The current law only applies to grocery stores in Monroe County). Makes other changes. *Hearings scheduled for February 14th. Provisions from HB1064, HB1269, HB1370, HB1530, HB1544, HB1604 have been amended into this bill, an omnibus for the Alcoholic Beverage Commission. The committee passed the bill as amended, 12-1. The bill digest above includes the added provisions. This version passed the House, 66-28.*

HB1737

ATOD/TS

Drunk driving

M Kruzan, D Kruse, P Welch, T Goodin, R Kuzman, Wm Ruppel
Public Policy, Ethics and Veterans Affairs

Drunk driving. Establishes the crime of operating while intoxicated with at least one child under the age of 18 in the vehicle. Punishes operating a motor vehicle with an alcohol concentration of at least .08% and less than .10% with a child in the vehicle as a Class A misdemeanor. Makes operating a motor vehicle with an alcohol concentration of at least .10% with a child in the vehicle a Class D felony. Makes operating a motor vehicle under the influence of a controlled substance with a child in the vehicle a Class A misdemeanor. Makes operating while intoxicated with a child in the vehicle a Class D felony. Removes provision making third offense operating while intoxicated a Class C felony. Gives the judge discretion to impose mandatory 5 days in jail or 30 days of community service. Provides 6 month to 2 year license suspension for a person who operates a vehicle with an alcohol concentration of at least .10% or more with a child in the vehicle. Removes provision calling for lifetime license suspension for third operating while intoxicated offense. Makes operating while intoxicated with a child in the vehicle and an alcohol concentration of at least .15% nonsuspendible. Makes operating while intoxicated (per se or impaired) with a child in the vehicle while having a previous conviction for OWI (per se or impaired) nonsuspendible. Makes the first offense of operating while intoxicated with a child suspendible (unless the driver's alcohol concentration is at least .15%). Requires lifetime license suspension for persons convicted of operating while intoxicated causing death and for a third or subsequent operating while intoxicated conviction. Reduces the availability of hardship licenses for persons with lifetime license suspensions. Increases mandatory jail time for various alcohol offenses. Makes technical changes. *Amended in committee and passed, 11-0. (Summary above includes new provisions.)*

HB1781

ATOD

Alcohol and controlled substances.

E Harris, R Kuzman, G Porter

Courts and Criminal Code

Specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol and or a controlled substance. Requires a person to pay the \$200 alcohol and drug countermeasures fee if: (1) the person is found to have committed the offense of operating a tractor-trailer combination or other vehicle recklessly and the person's offense involved the use of alcohol or a controlled substance; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier and the person's offense involved the operation of a vehicle. Removes a provision that requires a person's driving privileges to be suspended by a court or the bureau of motor vehicles before the person is required to pay the alcohol and drug countermeasures fee. *Amended to cover*

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"crimes, infractions, and delinquent acts" in committee and passed out of committee, 11-0. Corrective amendments were made and accepted at 2nd reading. Passed out of the House, 96-1.

HB1813 **Mental health**
ATOD **S Crosby, C Brown, G Goeglein**
 Public Health

Changes the name of the division of mental health to the division of mental health and addiction. Amends the definition of "managed care provider." *Rescheduled hearing in committee on February 14th. Co-authors added: Reps C. Brown and G. Goeglein. Hearing rescheduled again for February 20th. Amended in committee and passed, 11-0. Added provisions require DMH to establish standards for continuum of care for providers and prohibit DMH to enter a contract with providers not currently under contract.*

HB1842 **Tobacco settlement funds**
ATOD **Charlie Brown**
 Public Health

Converts certain existing trust funds to accounts within the Indiana tobacco master settlement agreement fund. Makes conforming changes. *Amendments impacting the tobacco board and agency as well as tobacco control activities were made in committee. The bill was passed out of committee, 12-0. Bill referred to Ways and Means committee. The provisions have been amended into the state budget, HB1001.*

HB1870 **Prescription drug fund**
ATOD **C Brown, G Dillon**
 Ways and Means

Appropriates \$20 million to the Indiana prescription drug fund from the Indiana tobacco master settlement agreement fund. Adds two members to the Indiana prescription drug advisory committee and provides that the legislative members of the committee are voting members. *The provisions have been amended into the state budget, HB1001.*

HB1892 **Methamphetamines**
ATOD **M Dvorak, B Hasler, J Weinzapfel, D Yount**
 Courts and Criminal Code

Makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine and narcotic drug. Makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine. Permits a law enforcement agency to dispose of chemical waste used in the production of illegal drugs. Imposes a class D felony for the dumping of chemical drug waste. Creates penalties for possessing anhydrous ammonia. Creates a defense for a person charged with a felony drug offense that is elevated because the person was within 1,000 feet of school property, public parks, family housing complexes or youth program centers. *ISP/Commission recommendation. This bill will become the methamphetamine omnibus bill for the Governor's office. Testimony was first heard in committee on Jan 31. The chair appointed Rep. S Mellinger to convene a subcommittee to compile an inclusive proposal for a hearing scheduled on February 14th. The Committee accepted the report and amended bill, passing it out 12-0. The bill passed out of the House, 94-0. The Senate sponsors are: Sens. R Bray and Wm Alexa.*

SB05 **Open alcoholic beverage containers.**
ATOD **Tom Wyss**
 Public Policy

Makes it a Class B infraction for the operator of a motor vehicle, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, to knowingly allow an alcoholic beverage container that has been opened, that has a broken seal, or from which some of the contents have

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been removed to be in the passenger compartment of the motor vehicle. Provides certain exceptions. *Hearing scheduled for Tuesday, Feb 28th at 10 am in Room 130 of the Statehouse. This bill was amended by removing the word "knowingly." The amended bill passed out of committee, 5-2.*

SB466
TS/ATOD **Implied Consent**
W Alexa, T Wyss
Public Policy

Requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body. *Heard in committee on February 13th and passed out, 10-0. Bill passed 2nd reading. Passed out of the Senate, 40-9. House sponsors: Reps. M Dvorak and D Young*

SB506
TS/ATOD **Court ordered drug and alcohol programs**
T Wyss, W Alexa
Public Policy

Court ordered drug and alcohol programs. Increases the fees that may be charged for participation in court ordered alcohol and drug programs. Permits the board of directors of the judicial conference to adopt rules governing the certification, operations and employee qualifications for court alcohol and drug services programs. *Indiana judicial center recommendation endorsed by the Inter Agency Council on Drugs. This bill passed out of committee, 8-0.*

SB572
TS/ATOD **Responsible retail permittee programs**
R Alting
Public Policy

Responsible retail permittee program. Provides that the Indiana alcoholic beverage commission shall establish an alcohol server-training program. Specifies the subject areas to be covered by the employee training courses. Allows the commission to suspend or revoke an employee's permit or impose a fine for noncompliance with the program. Allows the commission to suspend or revoke a retail permittee's permit or impose a fine for noncompliance with the program. Requires the Indiana alcoholic beverage commission to consider a retail permittee's certification in the program in the mitigation of administrative penalties or fines for an employee's illegal sale or service of an alcoholic beverage to an underage or intoxicated person. *A recommendation of the Indiana Coalition to Reduce Underage Drinking. This bill's hearing was rescheduled for Tuesday, February 27th. At that time, it was not heard in committee and referred to a summer study committee. The proposal will be presented in a Senate Concurrent Resolution.*

SB576
TS/ATOD **Drunk driving**
R M Young, R Bray and Wm Alexa
Corrections and Criminal and Civil Procedures

Drunk driving. Establishes that a person who operates a motor vehicle while intoxicated with at least one child under the age of 18 in the vehicle commits a nonsuspendible Class D felony. Provides that a person whose license is suspended following a conviction of: (1) operating a motor vehicle while intoxicated with at least one child in the vehicle; (2) operating a motor vehicle while intoxicated with one previous conviction; and (3) operating a motor vehicle with an alcohol concentration greater than 0.15%; may not obtain a probationary license. Requires lifetime license suspension for persons convicted of operating a motor vehicle while intoxicated causing death and for a third or subsequent conviction of operating a motor vehicle while intoxicated. Reduces the availability of hardship licenses for persons with lifetime license suspensions. Increases mandatory jail time for various alcohol offenses. *This bill was heard in committee on February 14th. The bill rescheduled for a hearing on Feb 20th was passed out of committee. Sens. R Bray and W Alexa were added as co-authors. This bill was amended in committee and passed out, 8-2.*